

**Amendments to the Claims**

This listing of claims replaces all prior versions and listings of claims:

**Listing of Claims:**

1. (Currently amended) An imaging device comprising:
  - an image capturing unit;
  - a first imaging control unit that has the image capturing unit execute moving picture imaging;
  - a moving picture file creation unit that creates a moving picture file based on moving picture data acquired through the moving picture imaging by the first imaging control unit;
  - a first recording control unit that records in a memory the moving picture file created by the moving picture file creation unit;
  - a recording instruction unit that instructs to record a still picture;
  - a still picture acquisition unit that acquires, when recording of a still picture is instructed by the recording instruction unit while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording the moving picture file in the memory, still picture data at the timing instructed;
  - a still picture file creation unit that creates a still picture file based on the still picture data acquired by the still picture acquisition unit;
  - a second recording control unit that records in a memory the still picture file created by the still picture file creation unit; and
  - a third recording control unit that records in the memory the still picture data acquired by the still picture acquisition unit as index picture data of the moving picture file recorded in the memory by the first recording control unit in addition to the still picture file created by the still picture file creation unit and recorded in the memory by the second recording control unit; and
  - a judging unit that judges whether the recording instruction unit has given an instruction for still picture imaging during execution of the moving picture imaging by the first imaging control unit, wherein

the third recording control unit records in the memory head picture data of moving picture data in the moving picture file that is recorded in the memory by the first recording control unit as index picture data of the moving picture file, when the judging unit judges that still picture imaging has not been instructed.

2. (Previously presented) An imaging device according to claim 1, further comprising a second imaging control unit that has the image capturing unit execute still picture imaging, wherein

the recording instruction unit instructs still picture imaging and still picture recording,

the second imaging control unit has the image capturing unit execute still picture imaging when the recording instruction unit instructs still picture imaging and still picture recording, and

the still picture acquisition unit acquires still picture data obtained through still picture imaging by the second imaging control unit when the recording instruction unit instructs still picture imaging and still picture recording.

3. (Original) An imaging device according to claim 1, wherein, when the recording instruction unit instructs still picture recording, the still picture acquisition unit acquires still picture data at a timing of the instruction from among moving picture data obtained through the moving picture imaging by the first imaging control unit.

4. (Original) An imaging device according to claim 1, further comprising:

a still picture imaging unit that captures still pictures, wherein the recording instruction unit instructs still picture imaging and still picture recording, and

a third imaging control unit that has the still picture imaging unit execute still picture imaging when the recording instruction unit instructs still picture imaging and still picture recording, wherein the still picture acquisition unit acquires still picture data obtained through the still picture imaging by the third imaging control unit when the recording instruction unit instructs still picture imaging and still picture recording.

5. (Previously presented) An imaging device according to claim 1, further comprising a size reduction unit that reduces a picture size of still picture data acquired by the still picture acquisition unit, wherein the third recording control unit records the still picture data whose picture size is reduced by the size reduction unit in the memory as index picture data of the moving picture file.

6. (Canceled)

7. (Previously presented) An imaging device according to claim 1, wherein the third recording control unit records in the memory still picture data acquired by the still picture acquisition unit as accompanying data of the moving picture file that is recorded in the memory by the first recording control unit.

8. (Previously presented) An imaging device according to claim 1, wherein the third recording control unit records in the memory still picture data acquired by the still picture acquisition unit as head picture data of the moving picture data in the moving picture file that is recorded in the memory by the first recording control unit.

9. (Previously presented) An imaging device according to claim 1, further comprising an imaging instruction unit that instructs moving picture imaging, wherein

the first imaging control unit has the image capturing unit execute moving picture imaging when the imaging instruction unit instructs the moving picture imaging.

10. (Previously presented) An imaging device according to claim 9, wherein the third recording control unit records in the memory first still picture data acquired by the still picture acquisition unit after the imaging instruction unit instructs the moving picture imaging as index picture data of the moving picture file.

11. (Previously presented) An imaging device according to claim 1, wherein, when the recording instruction unit instructs still picture imaging a plurality of times during execution of the moving picture imaging by the first imaging control

unit, the still picture acquisition unit acquires a plurality of still picture data at timings of the instructions,

the still picture file creation unit creates a plurality of still picture files based on the plurality of still picture data acquired by the still picture acquisition unit,

the second recording control unit records in the memory the plurality of still picture files created by the still picture file creation unit, and

the third recording control unit records in the memory the plurality of still picture data acquired by the still picture acquisition unit as index picture data of the moving picture files.

12. (Canceled)

13. (Original) An imaging device according to claim 1, further comprising an index picture reproducing unit that reproduces still picture data that is recorded as index picture data in the memory by the third recording control unit.

14. (Previously presented) An imaging device according to claim 13, wherein the index picture reproducing unit includes a unit that reproduces a plurality of still picture data recorded in the memory as index picture data by the third recording control unit, and further comprising

a selection unit that selects desired still picture data from among the plurality of still picture data reproduced by the index picture reproducing unit, and

a moving picture reproducing unit that reproduces a moving picture file corresponding to the still picture data selected by the selection unit.

15-22. (Canceled)